

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #3	CCRB Case #: 201502721	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/01/2015 11:30 PM	Location of Incident: Pulaski Street between Throop Avenue and Marcus Garvey Boulevard; Beaver Street and Fayette Street	Precinct: 79	18 Mo. SOL 10/1/2016	EO SOL 10/1/2016	
Date/Time CV Reported Fri, 04/03/2015 11:46 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/10/2015 1:34 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Alexander	00570	948599	079 PCT
2. POM James Haley	10468	949076	079 PCT
3. POM Lukasz Organistka	19797	944861	079 PCT
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Ramistella	04068	949526	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Alexander	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander stopped the car in which § 87(2)(b) was an occupant.	
B.POM James Haley	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO James Haley stopped the car in which § 87(2)(b) was an occupant.	
C.POM Lukasz Organistka	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Lukasz Organistka stopped the car in which § 87(2)(b) was an occupant.	
D.POM Brian Alexander	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander frisked § 87(2)(b)	
E.POM Brian Alexander	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander searched § 87(2)(b)	
F.POM Brian Alexander	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander questioned § 87(2)(b)	
G.POM Brian Alexander	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander searched the car in which § 87(2)(b) was an occupant.	

Officer(s)	Allegation	Investigator Recommendation
H.POM James Haley	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO James Haley searched the car in which § 87(2)(b) was an occupant.	
I. An officer	Abuse: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, an officer damaged § 87(2)(b)'s property.	
J.POM Brian Alexander	Abuse: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn. PO Brian Alexander refused to provide his/her name to § 87(2)(b)	
K.POM James Haley	Abuse: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn, PO James Haley refused to provide his name to § 87(2)(b)	
L.POM Lukasz Organistka	Abuse: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn, PO Lukasz Organistka refused to provide his name to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
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Case Summary

On April 3, 2015, § 87(2)(b) filed this complaint via telephone with the Internal Affairs Bureau, generating IAB log number 2015-9209 (see Board Review 01). On April 10, 2015, IAB referred this complaint to the CCRB.

On April 1, 2015, at approximately 11:30 p.m., § 87(2)(b) was driving on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn and did not commit any traffic infractions when he was pulled over by PO Brian Alexander, PO James Haley, and PO Lukasz Organistka (**Allegations A, B, and C**). The officers ordered § 87(2)(b) out of his vehicle and PO Alexander frisked him (**Allegation D**) and searched his left jacket pocket (**Allegation E**). PO Alexander asked § 87(2)(b) why he had so much money in his pocket (**Allegation F**). PO Alexander and PO Haley then searched § 87(2)(b)'s vehicle (**Allegations G and H**). One of them broke open a bag containing approximately \$30 in change (**Allegation I**), causing the change to scatter all over the floor of the car. Meanwhile, PO Organistka told § 87(2)(b) that he was stopped for a bent license plate, excessive tints, and a broken tail light, none of which he was cited for. § 87(2)(b) was released without being arrested or summonsed. At approximately 11:30 p.m. on April 2, 2015, § 87(2)(b) ran into PO Alexander, PO Haley, PO Organistka, and PO Joseph Ramistella at Beaver Street and Fayette Street in Brooklyn. He asked PO Haley for his, PO Alexander's and PO Organistka's names. The officers did not comply with § 87(2)(b)'s request and PO Haley told him that the officers did not have to give him their names (**Allegation J, K, and L**). § 87(2)(b) said he was not going to leave until one of the officers gave him his name and PO Organistka said, "My name is Lt. Smith, you can go now." (**Allegation L cont'd**)

Mediation, Civil, and Criminal Histories

- Mediation was offered to § 87(2)(b) during his telephone statement on April 14, 2015 and again during his CCRB interview on April 21, 2015. § 87(2)(b) rejected mediation because he wanted the subject officers disciplined.
- As of May 21, 2015, § 87(2)(b) has not filed a notice of claim in regards to this incident (see Board Review 02).

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (see Board Review 04).
- PO Brian Alexander has been a member of the NYPD for 4 years and has 9 prior CCRB allegations involving 6 cases with no substantiated allegations. § 87(2)(g)

- PO James Haley has been a member of the NYPD for 4 years and has 10 prior CCRB allegations involving 5 cases with no substantiated allegations. § 87(2)(g)

- PO Lukasz Organistka has been a member of the NYPD for 7 years and has 5 prior CCRB allegations involving 4 cases with no substantiated allegations. § 87(4-b), § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

On the IAB referral log, the subject officers are identified as PO Brian Alexander, PO James Haley, and PO Lukasz Organistka of the 79th Precinct (see Board Review 01). § 87(2)(b) stated that someone from the Internal Affairs Bureau conducted a photo array with him and that he was certain that he selected the right officers. A Resnick letter was sent to IAB on April 21, 2015. To date, no call-out has been received.

During his interview at the CCRB, § 87(2)(b) described the subject officers as follows:

- A white male in his 30s in plainclothes who was 5’7”-5’8” tall and had a slim build, black hair, black eyes, and a skinny face.
- A white male in his 30s in plainclothes who was 5’7”-5’8” tall and had a fat build, spikey black hair, and a “baby face.”
- A white male in his 30s in plainclothes who was 5’7”-5’8” tall and had a slim build, black or brown hair, and (possibly) colored eyes.

The above descriptions closely match PO Alexander’s, PO Haley’s and PO Organistka’s pedigrees, respectively (see Board Review 05). § 87(2)(b) stated that these officers were in an unmarked blue Chevrolet Caprice, which is a four-door sedan. According to these officers’ statements, they were working in plainclothes and were assigned to vehicle number 854, which is an unmarked blue Ford Crown Victoria, a four-door sedan. In addition, § 87(2)(b) stated that on April 2, 2015 (the second incident date), these officers were joined by a fourth officer who was seated in the driver’s seat of the RMP. PO Haley and PO Organistka stated that they only worked with each other and with PO Alexander on April 1, 2015, but they were joined by PO Joseph Ramistella on April 2, 2015 and that PO Ramistella was the operator on this day. In his memo book (Board Review 06), PO Ramistella noted that he had a Chart Day on April 1, 2015 and that he was working with PO Alexander, PO Haley, and PO Organistka on April 2, 2015.

In light of the above, the investigation has determined by a preponderance of the evidence that § 87(2)(b) encountered PO Alexander, PO Haley, and PO Organistka on both April 1, 2015 and April 2, 2015. As such, Allegations A, D, E, F, G, J, and M are pleaded against PO Alexander, Allegations B, H, K, and N are pleaded against PO Haley, and Allegations C, L, and O are pleaded against PO Organistka.

Allegations Not Pledaded

Property Seizure: § 87(2)(b) alleged that the officers took his registration, proof of insurance, bank card, Macy’s card, and unemployment card and did not return these items to him. However, § 87(2)(b) stated that he is giving the officers the “benefit of the doubt” that they left these items on top of his vehicle when the vehicle stop was concluded and that he drove away with these items still on top of his vehicle, causing them to fly away. As such, a property seizure allegation is not pleaded against any officer.

Allegation A: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander stopped the car in which § 87(2)(b) was an occupant.

Allegation B: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO James Haley stopped the car in which § 87(2)(b) was an occupant.

Allegation C: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Lukasz Organistka stopped the car in which § 87(2)(b) was an occupant.

Allegation D: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander frisked § 87(2)(b)

Allegation E: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander searched § 87(2)(b)

Allegation F: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander questioned § 87(2)(b)

Allegation G: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO Brian Alexander searched the car in which § 87(2)(b) was an occupant.

Allegation H: On 4/1/15, on Pulaski Street between Throop Avenue and Marcus Garvey Boulevard in Brooklyn, PO James Haley searched the car in which § 87(2)(b) was an occupant.

Allegation J: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn, PO Brian Alexander refused to provide his name to § 87(2)(b)

Allegation K: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn, PO James Haley refused to provide his name to § 87(2)(b)

Allegation L: On 4/2/15, at Beaver Street and Fayette Street in Brooklyn, PO Lukasz Organistka refused to provide his name to § 87(2)(b)

§ 87(2)(b) alleged that on April 1, 2015, PO Alexander, PO Haley, and PO Organistka pulled his vehicle over although he did not commit any VTL infractions. After § 87(2)(b) was asked to step out of his vehicle, PO Alexander allegedly frisked his legs and pockets, searched his left jacket pocket, and asked him why he had so much money in his pocket. The only items that § 87(2)(b) had in his pockets were his cigars, his house keys, his cell phone, and his money. PO Alexander and PO Haley then allegedly searched his vehicle and § 87(2)(b) was not summonsed or arrested.

§ 87(2)(b) also alleged that on April 2, 2015, he saw these same officers seated in an RMP. § 87(2)(b) allegedly asked PO Haley for his, PO Alexander's, and PO Organistka's names. None of the officers complied with § 87(2)(b)'s request and PO Haley allegedly told § 87(2)(b) that the officers did not have to give him their names. § 87(2)(b) told PO Haley that he would not leave until one of the officers gave him his name and PO Organistka allegedly said, "My name is Lt. Smith, you can go now." There is no lieutenant with the last name "Smith" that is assigned to the 79th Precinct.

§ 87(2)(g)
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§ 87(2)(b) stated that after the encounter on April 1, 2015 ended, he noticed that a bag containing approximately \$30 worth of change was broken and that the change was scattered all over his vehicle. He did not notice which officer broke this bag. However, he believed this damage occurred when PO Alexander and PO Haley entered and searched his vehicle. PO Alexander, PO Haley, and PO Organistka did not recall any officer breaking open a bag of change that they found in § 87(2)(b)'s vehicle. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Investigator:	_____	_____	_____
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date